

Carter

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-221796

DATE: May 28, 1986

MATTER OF: Uni-Tek Manufacturing Company

DIGEST:

1. Protest that quotation was improperly rejected is denied where offered equipment did not meet all requirements of solicitation.
2. Protest that specification was unduly restrictive, first raised after award of contract, is untimely because not filed prior to closing date of solicitation.

Uni-Tek Manufacturing Company (Uni-Tek) protests the rejection of its quote under request for quotations (RFQ) No. F33601-86-QP008 issued by Wright-Patterson Air Force Base.

The Air Force issued this RFQ with a closing date of November 19, 1985, for three metal disintegrators with a "fully transistorized automatic power feed" for unattended operation, among other specification requirements. (A metal disintegrator is conceptually similar to a power drill; the automatic power feed determines how deep a hole is drilled.) The RFQ required that offerors submit descriptive literature. Offers for alternate technology were not solicited. Uni-Tek offered disintegrators with a servo-based automatic power feed.

The Air Force initiated preparation of a delivery order to Uni-Tek which was protested to the contracting officer by Electro-Arc Company, the only other competitor, on the basis that Uni-Tek's equipment did not meet the requirement for a transistorized power feed. By letter dated December 13, 1985, Uni-Tek conceded that it did not offer a transistorized power feed, but asserted that its servomechanism was better and that the requirement was unduly restrictive.

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The Air Force rejected Uni-Tek's offer as technically unacceptable and awarded the delivery order to Electro-Arc. Uni-Tek filed its protest with our Office, contesting the Air Force's rejection of its quotation and contending that the specifications were unduly restrictive.

The RFQ clearly required a "fully transistorized power feed," without provision for alternate approaches, and Uni-Tek has conceded that its equipment uses a different technology. Uni-Tek's quote therefore was properly rejected.

Uni-Tek's contention that this requirement is unduly restrictive is untimely. If an offeror wants to protest specifications as unduly restrictive, our Bid Protest Regulations require that the protest be filed prior to the closing date of the solicitation. 4 C.F.R. § 21.2(a)(1) (1985). Therefore, since the protest was not filed prior to the closing date of the solicitation, it will not be considered.

The protest is denied in part and dismissed in part.

for Seymour Efron
Harry R. Van Cleve
General Counsel